

Document Readers

EPA Award Document

Title: St. Regis General Motors 2012 SAA**Document Status****Document Phase:** Final**Last Modified:** 04/27/2017**Current Editor:** Cynthia Pabon**Delegate:** Sharon Fortune**Application Information****Amount Requested:** \$853,782**Date Received:** 05/22/2012**Date Signed:** 05/22/2012**Award Information****Awarding Region:** EPA R2**Grant Number:** 00295508-2**Record Type:** C**Program Code:** V - Hazardous Substances Response Trust Fund**Grant Type:** Non-Construction**Agreement Type:** Assistance Amendment**Payment Method:** Advance**ACH#:** 20043**Payment Office:** Las Vegas Finance Center**Postponed:****Funding Pkg. Date:** 09/05/2012**Mailing Date:** 09/20/2012**Award Date:** 09/13/2012**Release Date:****ODN:** V00295508**Recipient Information****Name and Address of Recipient****Applicant Type:** Indian Tribe**Applicant Name:** SRMT - Saint Regis Mohawk Tribe**DUNS:** 797816647**Address:** 412 State Road Route 37**City:** Akwesasne**County:** Franklin**State:** NY**Zip:** 13655**Congressional Dist:** 24**EIN:** 16-1007650**Organizational Unit:** Environmental Division**Sub Org. Unit:****NSF Code:****Minority Institution:****Name and Address of Payee****Payee Name:** Saint Regis Mohawk Tribe**Address:** 412 State Road Route 37**City:** Akwesasne**State:** NY**Zip:** 13655**Recipient Point Of Contact****Project Manager:** Ken Jock**Title:** Environmental Division**Fax:** 518-358-6252

Director

E-Mail: ken.jock@semt-nsn.gov**Phone:** 518-358-5937**Address:** 412 State Road Route 37**City:** Akwesasne**State:** NY**Zip:** 13655**EPA Contacts****Grant Specialist:** Cynthia Pabon**GS ID:** PCY**Office:** Grants and Audit Mgt Branch**Mail Code:** OPM/GAMB**E-Mail:** pabon.cynthia@epa.gov**Phone:** 212-637-3405**Project Officer:** Joel Singerman**Approving Region:** EPA R2**Title:**

CNYR Section Chief	
E-Mail: Singerman.Joel@epamail.epa.gov	Phone: 212-637-4258
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State: NY	Zip: 10007-1866
Approval Office Div: Emergency and Remedial Response Division	
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Region: R2	
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Congressional Liaison: Barbara Brooks	Phone: 202-564-2783
AAShip/RAShip: R2 - Region 2	
Division/Office: Emergency and Remedial Response Division	
Lab/Office:	
Branch: New York Remediation Branch	

Project Information

CFDA:	66.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements		
Media:	Superfund		
Project Title:	Saint Regis Mohawk Tribe Support Agency Assistance Related to the General Motors Superfund Site		
Description:	This agreement funds the participation of the recipient in reviewing, developing, and overseeing the clean up of the General Motors Superfund site. This includes the oversight of investigative and remediation work being performed by the Trust's contractor, reviewing information collected by that contractor and documents prepared by that contractor and EPA, and attending site-related meetings.		
Explan. of Changes:	This amendment increases the agreement by \$285,595 from 568,187 to \$853,782 in accordance with St. Regis Mohawk Tribe's application dated May 22, 2012 and supplemental budget information submitted June 4, 6, and 11. These funds are provided for support agency assistance (SAA) associated with remedial design (RD) and remedial action (RA) activities at Operable Unit (OU) No. 1 and OU No. 2 of the General Motors Superfund site. The budget and project period expiration dates are extended to September 30, 2014. Also, the Administrative and Programmatic condition sections have been revised to include new and updated conditions.		
Budget Period Cost:	\$853,782	Project Period Cost:	\$853,782
Project Period Start:	10/01/2008	Project Period End:	09/30/2014
Budget Period Start:	10/01/2008	Budget Period End:	09/30/2014
Applicant ID:	State ID:		
Statutory Auth:	CERCLA: Sec. 104(d)(1)		
Regulatory Auth:	40 CFR PTS 31 & 35 SUBPT O		
Special Tracking Code:			
High Risk /	No		
Special Payment:			
Areas Affected by Project			
State(s):	NY		
County/Countries:	St Lawrence		
City/Cities:	Massena		
Congressional Dist:	23		
Zip Code(s):	13655		
International			
Work Performed outside the U.S.:	No		

Competition, EPA Order 5700.5A1 - Amendment

Was the amendment competed in accordance with the Competition Policy?

No

Enter the reason why this amendment was not competed based on the Competition Policy (EPA Order 5700.5A1).

The amendment is to a non-competitive award exempt from competition under Section 6 c. of the Competition Policy (Order 5700.5A1). (Section 13.c.(1))

Competition code:

I

Award Document Attachments**Fiscal Information**

Vendor Code: 161007650AV

Accounting Period: 122012

COMPASS Status: Submitted

Line	Site Name	Req No	Fiscal Yr	Approp Code	BO Code	PRC	Object Class	Amount	Site Project	Cost Org Code
001	GM RD01	1202HE0396	11	TR2	02D	303DD2	4185	63,187	02A6MA01	C002
002	GM RA01	1202HE0397	11	TR2	02D	303DD2	4185	86,702	02A6MA01	C002
003	GM RD02	1202HE0398	11	TR2	02D	303DD2	4185	76,375	02A6MA02	C001
004	GM RA02	1202HE0399	11	TR2	02D	303DD2	4185	59,331	02A6MA02	C001

285,595

Award Amount

Funds	Former Award	This Action	Amended Total
EPA Amount This Action:	\$568,187	\$285,595	\$853,782
EPA In-Kind Amount:	\$0	\$	\$0
Unexpended Prior Yr. Bal:	\$0	\$	\$0
Other Federal Funds:	\$0	\$	\$0
Recipient Contribution:	\$0	\$	\$0
State Contribution:	\$0	\$	\$0
Local Contribution:	\$0	\$	\$0
Other Contribution:	\$0	\$	\$0
Allowable Project Cost:	\$568,187	\$285,595	\$853,782

Approved Budget

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$411,477
2. Fringe Benefits	\$122,418
3. Travel	\$24,120
4. Equipment	\$0
5. Supplies	\$13,200
6. Contractual	\$169,450
7. Construction	\$0
8. Other	\$19,682
9. Total Direct Charges	\$760,347
10. Indirect Costs: Rate % Base	\$93,435
11. Total (Share: Recipient 0.00 % Federal 100.00 %.)	\$853,782
12. Total Approved Assistance Amount	\$853,782
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$285,595
15. Total EPA Amount Awarded To Date	\$853,782

Administrative & Programmatic Conditions**Administrative Conditions**

The following conditions are revised:

3. DRUG-FREE WORKPLACE CERTIFICATION FOR ALL EPA RECIPIENTS

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 2 CFR Part 1536 Subpart B. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 2 CFR Part 1536 Subpart C.

The consequences for violating this condition are detailed under Title 2 CFR Part 1536 Subpart E. Recipients can access the Code of Federal Regulations (CFR) Title 2 Part 1536 at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=701081165f70316effa8ebf67df73de0&rgn=div5&view=text&node=2:1.2.11.11.2&idno=2>.

5. FEDERAL FINANCIAL REPORTS/GRANT CLOSEOUT

A) Interim Federal Financial Reports (FFRs)

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an interim annual Federal Financial Report (SF-425) to EPA no later than 90 calendar days following the anniversary of the start date of the agreement. The FFR must be faxed to the Las Vegas Finance Office at 702-798-2423, emailed to LVFC-grants@epa.gov, or sent to the address below. A courtesy copy of the interim FFR can be submitted to the Grants and Audit Management Branch using one of the following options: email to Region2_GrantApplicationBox@epa.gov, fax to 212-637-3518 or sent to us in the mail at U.S. EPA - Region 2, 290 Broadway, 27th Floor, New York, NY 10007. All email attachments must be sent in pdf format. Documents emailed to us in any other format cannot and will not be accepted.

B) Final Federal Financial Report

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center:

US EPA, Las Vegas Finance Center
4220 S. Maryland Pkwy, Bld C, Rm 503
Las Vegas, NV 89119

or by email: LVFC-grants@epa.gov or Fax to: 702-798-2423. All email attachments must be sent in pdf format.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA

if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

C) Closeout

The Administrative Closeout Phase for this grant will be initiated with the submission of a "final" FFR. At that time, the recipient must submit the following forms/reports to the EPA Region 2 Grants and Audit Management Branch, if applicable:

- Federally Owned Property Report
- An Inventory of all Property Acquired with federal funds
- Contractor's or Grantee's Invention Disclosure Report (EPA Form 3340-3)

Additionally, the recipient's Final Request for Payment should be submitted to the LVFC.

11. EXTENSION OF PROJECT/BUDGET PERIOD EXPIRATION DATE

If a no cost time extension is necessary to extend the period of availability of funds (budget period), the recipient must submit a written request, including a justification as to why additional time is needed and an estimated date of completion to the EPA prior to the budget/project period expiration dates. The extension request should be submitted to the EPA, Grants and Audit Management Branch using one of the following options: email to Region2_GrantApplicationBox@epa.gov, fax to 212-637-3518 or sent to us in the mail at U.S. EPA - Region 2, 290 Broadway, 27th Floor, New York, NY 10007. An interim FFR (SF-425) covering all expenditures and obligations to date, must be emailed or faxed to the Las Vegas Finance Office at LVFC-grants@epa.gov or 702-798-2423 or sent to the address below. To expedite processing of your request, please submit a courtesy copy of the interim FFR to the Grants and Audit Management Branch along with your extension request. All email attachments must be sent in pdf format. Documents emailed to us in any other format cannot and will not be accepted.

US EPA, Las Vegas Finance Center
4220 S. Maryland Pkwy, Bld C, Rm 503
Las Vegas, NV 89119

or by email: LVFC-grants@epa.gov or Fax to: 702-798-2423. All email attachments must be sent in pdf format.

14. SINGLE AUDITS

In accordance with OMB Circular A-133, which implements the Single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor, if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit the SF-SAC and a Single Audit Report Package. **The recipient MUST** submit the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the single audit submissions, you will need to visit the Federal Audit Clearinghouse Web site:

<http://harvester.census.gov/fac/>

16. SUSPENSION AND DEBARMENT

Recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." Recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipients may access suspension and debarment information at <http://www.sam.gov>. This system allows recipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility

The following conditions are added:

19. DUNS AND CCR/SAM REQUIREMENTS

Central Contractor Registration/System for Award Management and Universal Identifier Requirements.

A. Requirement for Central Contractor Registration (CCR)/System for Award Management (SAM). Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) numbers. If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions. For purposes of this award term:

1. Central Contractor Registration (CCR)/System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the System for Award Management (SAM) Internet site

<http://www.sam.gov>.

2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- a. A Governmental organization, which is a State, local government, or Indian tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

20. SUBAWARD REPORTING AND COMPENSATION

I. Reporting Subawards and Executive Compensation

a. Reporting of first-tier subawards.

- 1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e of this award term).
- 2. Where and when to report.
 - i. You must report each obligating action described in paragraph a.1. of this award term to www.fsrs.gov.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at www.fsrc.gov specify.

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if –

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration Central Contractor Registration/System for Award Management profile available at www.sam.gov.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if --

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and,

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

1. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus* .
- ii. *Awards of stock, stock options, and stock appreciation rights* . Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. *Earnings for services under non-equity incentive plans* . This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- iv. *Change in pension value*. This is the change in present value of defined benefit and actuarial pension plans.
- v. *Above-market earnings on deferred compensation which is not tax-qualified* .
- vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

All other terms and conditions remain the same.

Programmatic Conditions

The following conditions are added:

11. FOOD AND REFRESHMENTS

Unless the event(s) and all of its components (i.e., receptions, banquets and other activities that

take place after normal business hours) are described in the approved workplan, the recipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops, and outreach activities (events). The recipient must send requests for approval to the EPA Project Officer and include:

- (1) An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
- (2) A description of the purpose, agenda, location, length and timing for the event.
- (3) An estimated number of participants in the event and a description of their roles.

Recipients may address questions about whether costs for light refreshments, and meals for events are allowable to the recipient's EPA Project Officer. However, the Agency Award Official or Grant Management Officer will make final determinations on allowability. Agency policy prohibits the use of EPA funds for receptions, banquets and similar activities that take place after normal business hours unless the recipient has provided a justification that has been expressly approved by EPA's Award Official or Grants Management Officer.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.11)

12. SUFFICIENT PROGRESS

EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project.

All other terms and conditions remain the same.

EPA Review
EPA Signature
Award Official: Donna Vizian
Printed Name: Donna J. Vizian
Title: Assistant Regional Administrator for Policy and Management
Phone: 212-637-3580
Delegate: Richard Manna
Title: Acting Deputy Director
Phone: 212-637-3591
Signature: - Signed by Donna Vizian/R2/USEPA/US on 09/13/2012 08:16:57 AM, according to /USEPA/US
Approval: Approved
Date: 09/13/2012
Notes:
Attachment:
Recipient Review
Read Access: Controlled
Applicant POC: Ken Jock
Title:
Phone: 518-358-5937

Recipient Acceptance

Authorized Rep:	
Print Name:	
Title: Tribal Chief	Phone: 518-358-4519
Acceptance Date: 10/02/2012	

Action Code Table

Entry	Date	Action
E	05/22/2012	1 - Application Received By EPA
E	05/29/2012	2 - Application Forwarded To Program Office
P	09/05/2012	3 - Funding Recommendation w/Change Request Received By GMO
P	09/05/2012	3 - Funding Recommendation w/Change Request Received By GMO
E	09/13/2012	F - Award
E	03/13/2015	FC - Completion of All Work Project Closed Out

Origination Information

Notifications History